

2
Bcont
aa
cautd
a tie down element which passes behind the motor for securing the drive shaft housing in place against the cradle when the motor is in an up position.

40.(New) An outboard motor support device for securing an outboard motor to a transom of a boat, the device comprising:

a support rotatably mounted at a first end and having a cradle at a second end, the support being rotatable such that when the motor is in an up position the support can rotate about its first end so that the cradle receives and supports the motor along a drive shaft housing of the motor and when the motor is in a down position the support is positioned between the motor and the transom;
and

means connected between the support and the motor for rotating the support upward when the motor is tilted from the down position to the up position.

REMARKS

This is in response to the Office Action mailed on November 21, 2001. The Examiner objected to the application under 35 C.F.R. § 1.172(a) as lacking written consent of all assignees or a statement that there is no assignee. No assignee exists in this application.

The Examiner also stated that the application is defective because it fails to identify at least one error which is relied upon to support the reissue application. The errors have been identified and are now listed in the Declaration.

The Examiner also stated that the Declaration is defective because it fails to contain a statement that all errors, which are being corrected in the reissue application up to the time of filing of the Oath/Declaration, arose without any deceptive intent on the part of the Applicant. This statement has been added to the Oath/Declaration.

The Examiner also noted that before the Amendment filed on March 9, 2001 can be entered, the Applicant must set forth the status of all claims and an explanation of support in the

disclosure for the changes made to the claims. The status of all claims and an explanation of the support for the changes are found in the claim charts in the following appendices. Appendices A through C provides support for amendments made to issued claims 4, 21 and 26. Appendices D through O provides support for new claims 29-40.

The Examiner also cited that the original patent or an affidavit as to loss of the original patent must be received before the reissue application can be allowed. Enclosed is the original patent.

In addition, new claims 30 and 37 have been amended. Claim 30 is dependent of claim 29 which uses the word "element" instead of "strap," therefore the word "strap" has been replaced with the word "element" because of an antecedent basis. New claim 37 is also amended based on an antecedent basis problem. The words "tie down element" replace "tie down strap," in order to provide uniformity throughout new claim 37.

With this response, the above-identified omissions have been added to the reissue application. With the additional information, the rejection of claims 1-28 have been overcome and support for new claims 29-40 have been provided. The application is now in condition for allowance, and notice to that effect is respectfully requested.

First Named Inventor: Steve Poll

Application No.: 09/809,453

-11-

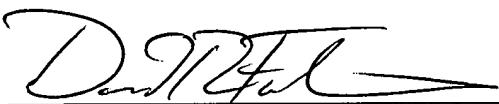
CONCLUSION

With the above discussion, the application is now in condition for allowance. Notification to that effect is respectfully requested. The Commissioner is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 11-0982.

Respectfully submitted,

KINNEY & LANGE, P.A.

Date: 2/20/02

By 
David R. Fairbairn, Reg. No. 26,047
THE KINNEY & LANGE BUILDING
312 South Third Street
Minneapolis, MN 55415-1002
Telephone: (612) 339-1863
Fax: (612) 339-6580

DRF:HLN:imv

G:\Nguyen\HPAT\405-12.2\amendment.wpd